

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Kevin G. Mickens
Debtor(s)

Bankruptcy Case No.: 17-21704-CMB
Per July 15, 2021 Proceeding
Chapter: 13
Docket No.: 159 – 155, 156
Concl. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated May 8, 2021 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. *A final plan conciliation conference will be held on at , in .* If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under 11 U.S.C. §506, disputes over the amount and allowance of claims entitled to priority under 11 U.S.C. §507, and all objections to claims.
- E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: .
- H. Additional Terms: Below named Mortgage Creditor to be paid per Loan Modification approved Jan. 17, 2020 (Doc. No. 135), then following payment change notices of record: PHH Mortgage.

Attorney fees based on retainer of \$500.00 with balance of no-look (\$3,500.00) paid through the plan.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) **IT IS FURTHER ORDERED THAT:**

- A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.
- B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).
- C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.
- D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.
- E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.
- F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any *secured claim* that is secured by the subject property, unless directed otherwise by further Order of Court.



Carlota M. Böhm
Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: July 16, 2021

cc: All Parties in Interest to be served by Clerk in seven (7) days

In re:
Kevin G. Mickens
Debtor

Case No. 17-21704-CMB
Chapter 13

District/off: 0315-2
Date Rcvd: Jul 16, 2021

User: dric
Form ID: 149

Page 1 of 3
Total Noticed: 28

The following symbols are used throughout this certificate:

Symbol Definition

- + Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

CERTIFICATE OF NOTICE

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 18, 2021:

Recip ID	Recipient Name and Address
db	+ Kevin G. Mickens, 219 North Winebiddle Street, Pittsburgh, PA 15224-2461
cr	+ City and School District of Pittsburgh, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219 UNITED STATES 15219-6101
cr	+ PHH Mortgage Corporation as servicer for PNC Bank,, 1 Mortgage Way, Mount Laurel, NJ 08054-4624
cr	+ PNC BANK NATIONAL ASSOCIATION, 14841 Dallas Pkwy Suite 425, Dallas, TX 75254-8067
cr	+ Pittsburgh Water & Sewer Authority, Goehring, Rutter, and Boehm, 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219 UNITED STATES 15219-6101
14409795	+ Allegheny Co Fam Div, 414 Grant St, Pittsburgh, PA 15219-2409
14657709	+ City & School District of Pittsburgh, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building Pittsburgh, PA 15219-6101
14409797	+ Dept Of Ed/Aspire Resources Inc, 6775 Vista Dr, West Des Moines, IA 50266-9305
14639303	+ Duquesne Light, P.O. Box 67, Pittsburgh, PA 15267-0067
14409798	+ Ksa Servicing, Po Box 90759, Raleigh, NC 27675-0759
14639306	+ Michael Evans, 219 N. Winebiddle Street, Pittsburgh, PA 15224-2461
14409799	+ Mohela/Dept of Ed, 633 Spirit Dr, Chesterfield, MO 63005-1243
14409800	+ Mortgage Service Cente, Attn: Bankruptcy Dept, Po Box 5452, Mt Laurel, NJ 08054-5452
14639309	+ Novak, Berkowitz, and Rosenberg, 532 S. Aiken Avenue, Ste. 520, Pittsburgh, PA 15232-1521
14423307	+ PHH Mortgage Corporation, 1 Mortgage Way, ATTN: Mail Stop SV-01, Mount Laurel, NJ 08054-4624
14409801	+ PNC Bank, c/o PHH Mortgage Services, 1 Mortgage Way, Mount Laurel, NJ 08054-4637
14639310	+ Peoples Gas, 375 N. Shore Dr., Pittsburgh, PA 15212-5871
14659010	+ Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Avenue, Pittsburgh, PA 15233-1828
14657710	+ Pittsburgh Water & Sewer Authority, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building Pittsburgh, PA 15219-6101
14639312	+ Shapiro & DeNardo, LLC, ATTN: Christopher A. DeNardo, 3600 Horizon Drive, Suite 150, King of Prussia, PA 19406-4702
14417231	+ U.S Dept of ED/Mohela, 633 Spirit Drive, Chesterfield, MO 63005-1243
14705128	UPMC Physician Services, PO Box 1123, Minneapolis MN 55440-1123
14409802	+ US Dept of Education, Attn: Bankruptcy, Po Box 16448, Saint Paul, MN 55116-0448

TOTAL: 23

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
14409796	+ Email/Text: ally@ebn.phinsolutions.com	Jul 16 2021 23:04:00	Ally Financial, Attn: Bankruptcy, Po Box 380901, Bloomington, MN 55438-0901
14711006	+ Email/Text: kburkley@berNSTeinlaw.com	Jul 16 2021 23:05:00	Duquesne Light Company, c/o Allison L. Carr,, Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
14639304	Email/Text: sbse.cio.bnc.mail@irs.gov	Jul 16 2021 23:05:00	IRS, PO Box 7346, Philadelphia, PA 19101-7346
14639353	Email/Text: RVSVCBICNOTICE1@state.pa.us	Jul 16 2021 23:05:00	Pennsylvania Department of Revenue, Bankruptcy Division PO Box 280946, Harrisburg, PA 17128-0946
14639314	+ Email/Text: wfmelectronicbankruptcynotifications@verizonwireless.com	Jul 16 2021 23:04:00	Verizon Fios, P.O. Box 15124, Albany, NY 12212-5124

TOTAL: 5

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		Duquesne Light Company
cr		PHH MORTGAGE CORPORATION
cr	*+	Peoples Natural Gas Company LLC, c/o S. James Wallace, P.C., 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
14639300	*+	Allegheny Co Fam Div, 414 Grant St, Pittsburgh, PA 15219-2409
14639301	*+	Ally Financial, Attn: Bankruptcy, Po Box 380901, Bloomington, MN 55438-0901
14639302	*+	Dept Of Ed/Aspire Resources Inc, 6775 Vista Dr, West Des Moines, IA 50266-9305
14639305	*+	Ksa Servicing, Po Box 90759, Raleigh, NC 27675-0759
14639307	*+	Mohela/Dept of Ed, 633 Spirit Dr, Chesterfield, MO 63005-1243
14639308	*+	Mortgage Service Cente, Attn: Bankruptcy Dept, Po Box 5452, Mt Laurel, NJ 08054-5452
14639311	*+	PNC Bank, c/o PHH Mortgage Services, 1 Mortgage Way, Mount Laurel, NJ 08054-4637
14639313	*+	US Dept of Education, Attn: Bankruptcy, Po Box 16448, Saint Paul, MN 55116-0448

TOTAL: 2 Undeliverable, 9 Duplicate, 0 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 18, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 16, 2021 at the address(es) listed below:

Name	Email Address
Albert G. Reese, Jr.	on behalf of Debtor Kevin G. Mickens areese8897@aol.com agreeese8897@gmail.com;r41196@notify.bestcase.com;agrlaw8897@gmail.com
Brian Nicholas	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION bnicholas@kmllawgroup.com
Jeffrey R. Hunt	on behalf of Creditor Pittsburgh Water & Sewer Authority jhunt@grblaw.com cnoroski@grblaw.com
Jeffrey R. Hunt	on behalf of Creditor City and School District of Pittsburgh jhunt@grblaw.com cnoroski@grblaw.com
Kevin Scott Frankel	on behalf of Creditor PHH Mortgage Corporation as servicer for PNC Bank National Association pabk@logs.com, logsecf@logs.com
Mario J. Hanyon	on behalf of Creditor PNC BANK NATIONAL ASSOCIATION wbefc@brockandscott.com mario.hanyon@brockandscott.com
Mario J. Hanyon	on behalf of Creditor PHH MORTGAGE CORPORATION wbefc@brockandscott.com mario.hanyon@brockandscott.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Peter J. Ashcroft	on behalf of Creditor Duquesne Light Company pashcroft@bersteinlaw.com ckutch@ecf.courtdrive.com;acarr@bersteinlaw.com

District/off: 0315-2

User: dric

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Date Rcvd: Jul 16, 2021

Form ID: 149

Total Noticed: 28

Ronda J. Winnecour

cmeclf@chapter13trusteewdpa.com

S. James Wallace

on behalf of Creditor Peoples Natural Gas Company LLC ecfpeoples@grblaw.com Equitablebankruptcy@peoples-gas.com

TOTAL: 11